

# CALIFORNIA ACUPUNCTURE BOARD

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State of

Department of Consumer

Gray Davis, Governor



(Approved November 18, 2002)

## ACUPUNCTURE BOARD MEETING MINUTES

**September 24-25, 2002**

Wyndham Hotel, San Jose, CA

### Full Board Meeting September 24, 2002

#### **MEMBERS PRESENT**

Pei Li Zhong-Fong, L.Ac., Chair

Michael Eng, Vice-Chair

Shari Asplund

Joan C. Chang, L.Ac.

Min M. Chang

Howard Moffet, L.Ac.

#### **STAFF PRESENT**

Marilyn Nielsen, Executive Officer

Don Chang, Legal Counsel

Janelle Wedge, Administrative Coordinator

Kerry Hartsough, Enforcement Coordinator

Nancy Molinar, Education Coordinator

Helen Gathercole, Administrative Technician

#### **MEMBERS ABSENT**

Justin Tin

#### **GUEST LIST ON FILE**

#### **1. Call to Order and Establishment of a Quorum (P.Zhong-Fong, Chair)**

Chair Pei Li Zhong-Fong called the Acupuncture Board Meeting to order at approximately 8:45 a.m. Roll was taken and a quorum established.

#### **2. CLOSED SESSION: Pursuant to Government Code Section 11126 (a)(1) to administer Executive Officer performance appraisal.**

#### **3. Adjournment**

The Acupuncture Board meeting adjourned at approximately 10:30 a.m.

### Enforcement Committee Meeting September 24, 2002

#### **MEMBERS PRESENT**

Michael Eng, Chair

Shari Asplund, Vice-Chair

#### **MEMBERS ABSENT**

Justin Tin

#### **STAFF PRESENT**

Marilyn Nielsen, Executive Officer

Don Chang, Legal Counsel

Janelle Wedge, Administrative Coordinator

Kerry Hartsough, Enforcement Coordinator

Nancy Molinar, Education Coordinator

**a. Call to Order and Establishment of a Quorum**

Michael Eng called the meeting to order at approximately 10:30 a.m. Roll was taken and a quorum established.

**b. Strategic Issue No. 3 – Review Status and Direction of Strategic Objectives****1. Strategic Objective 3.1 – Update Complaint Disclosure Policy**

Ms. Nielsen reported the Board has not received any written or verbal input from the profession or public regarding consumer complaint disclosure. However, a representative of the Department's executive office has confirmed they will attend the November 18 Board meeting to discuss this issue and provide the members with an opportunity for questions and answers from the Department. The Committee directed the executive officer to place discussion of this issue on the November 18, 2002 Board meeting agenda; redistribute to the professional associations the Department's recommended "Minimum Standards for Consumer Complaint Disclosure" (adopted by DCA July 2002) soliciting written input and invite them to testify before the Board at the November 18 meeting; and if available, provide an update on where the Medical Board is on this issue.

**Public Comment:** None

**2. Strategic Objective 3.2 – Education of Practitioners**

Ms. Nielsen reported that the distribution of the Board's new Consumer Brochure has been very successful. The orders for brochures have increased. The feedback from the public, practitioners, schools and hospitals has been positive. The drafting of the next newsletter to the profession is in progress with a distribution target of March/April 2003.

**MICHAEL ENG MOVED AND SHARI ASPLUND SECONDED THE  
MOTION FOR THE BOARD TO DIRECT STAFF TO DISTRIBUTE  
THE ANNUAL NEWSLETTER BY SPRING 2003.  
MOTION PASSED**

Ms. Nielsen reported the revision and implementation of the Board's new website has been very successful and the number of hits to the site continues to progressively increase. The website has increased the accessibility to the profession/public, providing them with more expansive and current information. The next goal for the website is to provide electronic license renewals.

The Committee directed the executive officer to schedule mini workshops on enforcement issues and the laws and regulations within the next six months with acupuncture schools/students, possibly one in northern California and one in southern California, as a mechanism to provide a platform for the exchange of information between the entities.

**Public Comment:** None

**3. Strategic Objective 3.3 – Education of Public**

Mr. Eng stated most of the issues under 3.3 were also discussed under 3.2 above. However, regarding providing public service announcements the Committee directed the executive officer to hold a press briefing Spring 2003, preferably in conjunction with the Spring Board meeting and possibly in Asian

communities.

**Public Comment:** Raymond Victorio, American College of TCM, recommended having a licensed representative approved by the Board to act as a public expert consultant to interact with media.

Ms. Nielsen stated it is the Board's policy to refer all technical questions from the media to one of the professional associations.

#### **4. Strategic Objective 3.4 – Local Law Enforcement**

Ms. Hartsough stated two Enforcement Task Force meetings were held in 1998 and 2000. The meetings were a joint effort by the Board, the Attorney General, local law enforcement and various other legal entities. Both meetings were well received, providing an open forum for sharing information, discussion and clarification of acupuncture laws, regulations and jurisdictional responsibilities. Ms. Hartsough further advised the Chair that complaints have increased in the Northern California region and she has contacted the Attorney General's Office in Oakland who has agreed to host a meeting at their location. Mr. Eng recommended scheduling two meetings, north and south, as soon as possible.

**Public Comment:** None.

**MICHAEL ENG MOVED AND SHARI ASPLUND SECONDED THE MOTION THAT THE ENFORCEMENT COMMITTEE RECOMMENDS TO THE BOARD THAT AN ENFORCEMENT TASK FORCE MEETING BE SCHEDULED IN NORTHERN CALIFORNIA WITHIN NINETY DAYS.  
MOTION PASSED**

**SHARI ASPLUND MOVED AND MICHAEL ENG SECONDED THE MOTION THAT THE ENFORCEMENT COMMITTEE RECOMMENDS TO THE BOARD THAT AN ENFORCEMENT TASK FORCE MEETING BE HELD IN SOUTHERN CALIFORNIA IN SPRING 2003.  
MOTION PASSED**

Ms. Nielsen reported the Disciplinary Guidelines were last revised in 1995 and adopted in 1996. She suggested the Board review the current guidelines and possibly incorporate them into regulations. Mr. Chang suggested the Board revise the guidelines and amend the reference date from 1996 to 2002 before going to print.

The Committee directed staff to evaluate and recommend implementation of SB 1951, with inclusion into the appendix of the annual publication of the Laws and Regulations for Board discussion at the first meeting to be scheduled in 2003.

#### **5. Strategic Objective 3.5 – Professional Associations**

Mr. Eng and Ms. Nielsen discussed the issues regarding keeping open dialogue through conferences and seminars. Ms. Nielsen said the Board has discussed this with a few associations and would accept invitations to speak, hold question and answer sessions and encourage open dialogue.

**Public Comment:** None

**6. Strategic Objective 3.6 – Role of Schools**

Mr. Eng indicated that the Board should be proactive in encouraging instruction of professional responsibility and ethics training by schools. Ms. Hartsough distributed a compiled list of ethics training by twenty-seven schools with ranges from 6-48 semester hours, which she believes are fairly average hours and suggest this is insufficient and hours should be increased. Committee members said they would do some research and consider the suggestion. The issue of a jurisprudence exam was discussed and who could develop and administer such an exam. Ms. Nielsen indicated that by increasing the study of Laws and Regulations, students would be better prepared professionally to address enforcement issues.

**Public Comment:** Raymond Victorio, American College of TCM, indicated other states have complied through requiring continuing education, and this could be constructed through utilizing the Board's continuing education providers. Ron Zaidman, President of Five Branches Institute, explained laws and regulations are asked on the state exam and their students are instructed in this area. Mr. Eng indicated that in the past three or four years most enforcement issues has been on the rise by new practitioners and he suggests the schools reevaluate their continuing education courses to include enforcement issues. The Committee questioned if continuing education hours were increased, could this resolve many of the enforcement issues? Gary Arsham, MD, Ph.D., Arsham Consultants, Inc., commented that has it been determined whether it was the ignorance of the law and/or willful violation by new practitioners and perhaps higher education would be the answer.

**7. Strategic Objective 3.7 – Continuing Education**

Ms. Molinar stated the first meeting of a focus group on continuing education was held and their suggestion was to have a six-year renewal requirement designating a specific number of continuing education hours required for ethics and integrated into the regulations and laws. The Committee indicated the best way to solve these issues and problems is to be proactive with the public, schools and new practitioners.

**8. Strategic Objective 3.8 – Scope of Practice**

Ms. Nielsen recommended since this issue was one of the requirements of SB 1951 for the Little Hoover Commission to review this Committee and Board provides its services, information and data to the Commission on this issue.

**c. Public Comment Period:** None.

**d. Enforcement Committee meeting adjourned at approximately 12:20 p.m.**

**Education Committee  
September 24, 2002**

**MEMBERS PRESENT**

Shari Asplund, Chair  
Howard Moffet, L.Ac., Vice-Chair

**STAFF PRESENT**

Marilyn Nielsen, Executive Officer  
Don Chang, Legal Counsel

**MEMBERS ABSENT**

**GUEST LIST ON FILE**

**a. Call to Order and Establishment of a Quorum**

Shari Asplund called the Education Committee to order approximately 1:20 p.m. Roll was taken and a quorum established.

**b. Strategic Issue No. 1 – Review Status and Direction of Strategic Objectives**

**1. Strategic Objective 1.1 – Curriculum Standards**

Ms. Nielsen indicated the Board accepted the Competencies Task Force recommendations on May 13, 2002 and adopted them on June 25, 2002. The competencies defined in the recommendation are being compared to the tasks, skills and knowledge defined in the 2001 Occupational Analysis by an independent group of practitioners, when completion will be forwarded to the Department of Consumer Affairs Office of Examination Resources for final evaluation. This process will ensure all competencies are adequately identified prior to the commencement of a regulatory package.

The Committee briefly discussed the tutorial program and their concerns that the tutorial program may not be an adequate educational avenue for acupuncture students. The Committee directed staff for the first Board meeting to be scheduled in 2003, to compile pass/fail exam results on tutorial students; invite tutorial trained acupuncturists to testify before the Board; invite two-three current tutorial trainees to testify regarding what they see as strengths/weaknesses of the program; and to survey tutorial examination candidates about their perspective of the training and preparedness for the licensing examination. In addition, the members requested the staff provide them with a list of current tutorial trainees and the approved lengths of these programs.

**Public Comment:** None.

Ms. Asplund briefly discussed educational prerequisite qualifications, transfer credit policies and challenge exam policies. Ms. Nielsen recommended the Committee reviews the regulations, research other board policies and procedures, and invite schools to provide testimony on the subject at the next board meeting.

**Public Comment:** None.

**2. Strategic Objective 1.2 – Clinical Competency**

Mr. Moffet suggests the Committee look at other models of clinical training, to clarify internships and create more opportunity for clinical training in different environments.

**Public Comment:** None

**3. Strategic Objective 1.3 – Quality and Appropriate Continuing Education**

Ms. Nielsen reported that a continuing education focus group was formed. Topics addressed were ways to

improve the frequency/consistency of the Board's auditing and the quality and relevance of the courses. Ms. Molinar, Ms. Zhong-Fong and Ms. Asplund attended this groups meeting on August 20, 2002 at South Baylo University. Ms. Molinar reported the meeting was well attended. Members discussed the Board's strengths and weaknesses and found the process was diverse, forms sufficient, CE process adequate, and utilization of subject matter for course review good, including public input. Ms. Molinar indicated the group believed the Board needs to develop well defined criteria for course approval, had no recommendation for quality assurance or auditing the courses for approval, and felt that Section 1399.484 (b) needs modification.

**Public Comment:** Mr. Victorio, American College of TCM, asked if it was possible to have the renewal process of courses be at the same time as CE provider renewals.

**c. Strategic Issues No. 2 – School Approval Process**

**1. Strategic Objective 2.1 – School Approval Laws and Regulations**

Ms. Nielsen suggested the Board might not want to continue the school approval process if ACAOM is already reviewing schools. Mr. Moffet had concerns the Board is not performing reviews as required to ensure quality education.

**2. Strategic Objective 2.2 – Continuing Approval of Schools**

The Committee discussed whether or not to take action on this issue before the Little Hoover Commission conducts its review and makes its recommendation.

**3. Strategic Objective 2.3 – Role of Accreditation**

Mr. Moffet asked the committee if there were any objections to accreditation and none were voiced. Members did not think the Board is ready to discard the approval process and that first hand site visits are valuable.

**d. Public Comment Period:** Raymond Victorio, American College of TCM, stated he has been doing site visits for ACAOM for many years and recently with WASC. He has seen the transformation schools go through and the process of a higher educational model identified or accredited by peer review, which is vital for relevance for critical thinking and understanding outcomes. Gary Arsham, Arsham Consultants, noted there was nothing that would preclude Board staff from attending the ACAOM site visit.

**e. The Education Committee adjourned at approximately 3:20 p.m.**

**Examination Committee Meeting  
September 24, 2002**

**MEMBERS PRESENT**

Howard Moffet, L.Ac., Chair  
Joan Chang, L.Ac., Vice-Chair  
Min M. Chang

**STAFF PRESENT**

Marilyn Nielsen, Executive Officer  
Don Chang, Legal Counsel  
Janelle Wedge, Administrative Coordinator  
Nancy Molinar, Education Coordinator  
Helen Gathercole, Administrative Technician

## **MEMBERS ABSENT**

## **GUEST LIST ON FILE**

### **a. Call to Order and Establishment of a Quorum**

Howard Moffet called the Examination Committee to order at approximately 3:30 p.m. Roll was taken and a quorum established.

### **b. Strategic Issues No. 4 – Review Status and Direction of Strategic Objectives**

#### **1. Strategic Objective 4.1 – Validity and Appropriateness of Current Test Form**

Mr. Moffet stated he was satisfied with the current test format. Ms. Nielsen reported that Christina Herlihy, CEO; National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) is scheduled to appear before the Board at the November meeting in Pasadena to discuss the national exam. Joan Chang reported many practitioners have complained about the number of questions on the exam and whether or not the number adequately tests for licensure. Ms. Chang suggested a motion to increase the questions on the exam to 250. Ms. Nielsen suggested inviting the new manager of DCA Office of Examination Resources (OER) to discuss this issue with the members at the next meeting. Mr. Moffet added OER previously provided the Board with the data, information and justification. Don Chang, legal counsel, suggested requesting OER to attend and make another presentation with questions and answers, and update the Board regarding current exam performance and areas of weakness.

### **c. Public Comment Period:** Alexander Cheu, CCAA, stated there are two areas of concern, number of questions and no clinical exam. With fewer questions and no clinical exam, how can the Board assure good quality of licensed acupuncturists?

### **d. The Examination Committee adjourned at approximately 3:40 p.m.**

## **Full Board Meeting September 25, 2002**

### **MEMBERS PRESENT**

Pei Li Zhong-Fong, L.Ac., Chair  
Michael Eng, Vice-Chair  
Shari Asplund  
Joan Chang, L.Ac.  
Min M. Chang  
Howard Moffet, L.Ac.

### **STAFF PRESENT**

Marilyn Nielsen, Executive Officer  
Don Chang, Legal Counsel  
Janelle Wedge, Administrative Coordinator  
Nancy Molinar, Education Coordinator  
Helen Gathercole, Administrative Technician

### **MEMBERS ABSENT**

Justin Tin

### **GUEST LIST ON FILE**

### **1. Call to Order and Establishment of a Quorum (P.Zhong-Fong, Chair)**

Pei Li Zhong-Fong called the Board meeting to order at approximately 8:30 a.m. Roll was taken and a quorum established.

### **2. Chair's Report – Pei Li Zhong-Fong**

Ms. Zhong-Fong reported she had concerns with unlicensed activity, how this relates to students, and how acupuncturists are unfamiliar with the laws and regulations. She is concerned that after students graduate, there is little opportunity for further discussion, instruction or receiving updated information on licensing regulations, laws, and enforcement issues. Ms. Zhong-Fong suggests review of the Board's current system and utilizing the professional associations and the media to inform the public and profession about laws.

Ms. Nielsen explained the process of foreign application review, as it is based on evaluation and validation from the original school.

**3. Executive Officer's Report – Marilyn Nielsen**

Ms. Nielsen reported that the next Board meeting would be held at the Hilton Pasadena and suggested the Board approve to have a one-day meeting on November 18, 2002. Ms. Nielsen informed the Board the public members have received an invitation from the Consumer Advocate Center (CAC) to attend a conference on November 13-15, 2002 in San Francisco. Board members should have received a notice of department training being held November 16, 2002. She stated CSOMA will be having a class April 5-6, 2003 given by Kevin McNamee, on designing competency that the staff is interested in attending.

**4. Approval of June 24-25, 2002 Meeting Minutes**

**SHARI ASPLUND MOVED AND MICHAEL ENG SECONDED THE  
MOTION TO APPROVE THE JUNE 24-25, 2002 MINUTES AS AMENDED  
MOTION PASSED**

**5. Public Hearing: Petition for Reinstatement, Petitioner: James Jahoo Koo  
(Case No. 1A-1993-25545).**

**6. CLOSED SESSION:** Pursuant to Government Code Section 11126 (c)(3) to discuss/take action on disciplinary actions.

**7. Enforcement Business – (Discussion/Action)**

**a. Current Enforcement Cases**

Ms. Nielsen reported as of September 3, 2002, 26 new complaints were filed, majority being unprofessional conduct and then criminal charges/convictions. She reported 42 cases opened prior to July 2002 are being investigated in-house and 28 opened prior to July 2002 are pending with Division of Investigation (DOI). Seventeen cases held from the last fiscal year have been forwarded to the Attorney General's office.

**b. Use of Unlicensed Acupuncture Assistants – Survey Results**

Ms. Zhong-Fong reported 1,033 survey responses were received and opened the issue for discussion on the need for assistant certification. Mr. Moffet indicated that specific clarification defining what level an acupuncture assistant may legally perform certain duties should be established by the Board. Janelle Wedge, Administrative Coordinator, stated with the passing of SB 1951, the Board is now mandated to do a comprehensive study and asked the Board how they want to proceed. Ms. Nielsen suggested a meeting with department staff and expert consultants to assure understanding of what is required from the Board. Don Chang, legal counsel, suggested contacting OER, who has performed many comprehensive surveys.



**Public Comment:** Neal Miller, L.Ac., stated that enforcement has been doing a great job and believes the survey is a valid concern as there is a need for acupuncture assistants. The survey indicated 10% of licensees are using assistants and the Board should consider educating and regulating assistants. Brian Fennen, L.Ac., CAOMA, indicated this issue was brought to the Board before. He suggests the Board look into what other medical fields' statutes are and recommended the Board do a comprehensive study. Also CSOMA agrees acupuncture assistants must be regulated for public safety.

Mr. Eng recommended the Board evaluate initial study results, review what other professions require, review the stats on complaints filed against unlicensed activity and determine the legislative/Joint Committee intent for the requirement of SB 1951.

**c. Dual Licentiates – Presentation by Dr. Ron Hayes, D.C., L.Ac.**

Dr. Ron Hayes, DC, L.Ac., indicated that holding both a Chiropractic and Acupuncture license has become a problem with the insurance industry. It has limited the care to perform both services in the same day. Dr. Hayes requested the Board to consider amending the language in the laws and regulations to allow practicing with dual licenses. Mr. Chang stated the law does not prohibit dual licensure. Dr. Hayes indicated he is suggesting an acknowledgement to practice both professions from the Board in the laws.

**Public Comment:** Brian Fennen, L.Ac., CAOMA, states he works as a consultant for companies with multiple licensed providers and that Dr. Hayes may want to consider having a representative from one of the insurance companies discuss this issue.

**d. Local Law Enforcement Task Force**

The members of the Enforcement Committee took action at the September 24, 2002 meeting to recommend that the Board consider scheduling enforcement task force meetings with local law enforcement in Northern and Southern California. Two successful Enforcement Task Force meetings, held in 1998 and 2000, were a joint effort by the Board, the Attorney General, local law enforcement and various other legal entities that provided an open forum for sharing information, discussion and clarification of acupuncture laws, regulations and jurisdictional responsibilities. The Attorney General's Office in Oakland has already agreed to host a meeting in Northern California.

**Public Comment:** None.

**MICHAEL ENG MOVED AND SHARI ASPLUND SECONDED THE MOTION TO DIRECT STAFF TO HOLD AN ENFORCEMENT TASK FORCE MEETING IN NORTHERN CALIFORNIA WITHIN NINETY DAYS AND IN SOUTHERN CALIFORNIA BY SPRING 2003, ALSO SCHEDULE A PRESS BRIEFING IN THE SPRING 2003, PREFERABLY IN CONJUNCTION WITH THE BOARD'S SPRING BOARD MEETING.  
MOTION PASSED**

**8. Examination Business (Discussion/Action)**

**a. July 17, 2002 Written Licensing Examination**

Ms. Nielsen reported that a total of 616 candidates took the July 17, 2002 written licensing examination. The final results showed the passing rate for the first time takers was 70% (237 candidates), the re-examinees passing rate was 35% (98 candidates), and an overall passing rate of 54% (335 passing). The July 2002 passing rate was higher than the January 2002 examination of 51%.

**b. OER's Textbook Survey – Revision of CALE Reference List**

Ms. Nielsen reported that the Acupuncture school textbook survey will be focusing on identifying textbooks currently used by the schools in their acupuncture curriculum training programs in order to update the Board's reference list. Office of Examination Resources staff, subject matter experts, and Acupuncture Board members and staff will review the survey results. Approval of the final reference list will be presented to the Board at the spring 2003 meeting for consideration.

**9. Administrative Business – (Discussion/Action)**

**a. Budget Update**

**1. Fiscal Year End 2001/2002 Budget Expenditure Report**

Ms. Nielsen reported the year-end FY 2001/2002 budget expenditures exceeded some line items and others had a surplus, but overall there was a \$108, 316 surplus.

**2. Current Fiscal Year 2002/2003 Budget Report**

Ms. Nielsen reported on current fiscal year budget increases related to salaries and wages and a small increase in C & P Service external, a decrease in seasonal staffing and in C & P Service interdepartmental. She indicated a new line item was added for major equipment and replacement. Ms. Nielsen indicated that the State had an overall 15% reduction in the Budget, the Board was one of the few that did not lose staff or vacant positions due to the recent staff reduction cuts where the Governor required 6,000 positions be cut from the State's payrolls. The State may have a 20% budget reduction mid-year and because of the new restrictions Ms. Nielsen suggested the Board not to start any new projects or workloads that would draw from the budget to ensure the Board could adequately process its enforcement cases through the end of this fiscal year.

**3. 2003/2004 BCP – Attorney General's and Enforcement Office Technician**

Ms. Nielsen reported the Board has submitted a BCP requesting an augmentation of \$433,000 in Fiscal Year 2003/2004 and \$144,000 ongoing to support the costs associated with the workload increases to the Attorney General budget. Ms. Nielsen stated the complaint and investigative caseload has increased to 158% and is escalating the Attorney General's costs.

**b. Regulatory Proposal to Amend CCR Section 1399.456 – Use of the Title Doctor**

Ms. Nielsen reported in late July 2002, the Department returned, without approval, the Board's proposed regulations allowing the use of the title "doctor." The Department cited their reason as being, other health care professions within the Department have mechanisms established to ensure the doctorate programs offered by other states and other countries meet the standards of California and that there is no such mechanism to evaluate schools of acupuncture and Oriental medicine outside of those approved by the Board. Mr. Eng referred the Board to SB 1244, Sec. 5094 (b) and Mr. Chang suggested that the Board could take a support position with a new regulatory package or address another alternative. Ms. Nielsen indicated that October 12, 2002 would be the deadline to submit and file a new proposal.

**Public Comment:** Brian Fennen, L.Ac., CAOMA, stated this is related to manage health care and they have provided guidelines for providers requiring them to identify licensed degrees, which bring a serious question for the profession. Neal Miller indicated that in an evolutionary process this will be ironed out with in the next couple of years and could the Board make recommendation to the Legislature.

The Board members decided to withdraw from resubmitting a new regulatory package at this time.

Brian Fennen stated the association is in support for the degree title, which differentiate the profession in California from other States.

**c. 2002 Legislative Status Report**

Ms. Nielsen reported on the following bills:

- 1. SB 573 (Burton) – amends Health & Safety Code Section 1373.10 and Insurance Code Sections 10127.3 and 10176**  
Died in committee.
- 2. SB 1244 (Figueroa) – Governor Appointments to Consumer Boards**  
Enrolled September 6, 2002.
- 3. SB 1705 (Burton) – amends 139.2 and California Labor Code Section 3209.3**  
Died in Committee.
- 4. SB 1951 (Figueroa) – Board’s Sunrise Legislation and amending B&P Code Sections 4955, 4955.1, 4955.2, 4960.5, and 4977.2**  
Bill was amended to cover Little Hoover cost, enforcement proposals and fees for service. Enrolled September 9, 2002. Signed by Governor September 23, 2002.
- 5. SB 2059 (Figueroa) – Disclosure of Licensee Information**  
On August 1 2002 amended and no longer applicable to the Board.
- 6. AB 1943 (Chu) – amends B&P Code Section 4939**  
Enrolled September 6, 2002 and signed by Governor September 23, 2002.

**Public Comment:** Steve English updated the Board on SB 573, which was one of 15 bills mandated to have acupuncture covered by insurance. As a result of Helen Thompson, all the bills were pulled and died all at the same time, then they went into a special bill that Ms. Thompson proposed, AB1996 and recently Chapter 795. This created an avenue for all mandated bills and there will be a report back in 2005. Brian Fennen thanked the Board for their support in the Legislature this year and stated that there is another bill not on the list, SB 577 by Senator Burton. This bill is for those unlicensed individuals that provide complementary alternative medicine with an exemption from the medical practice exam. Which may be a concern for the impact in regards of safety and enforcement issues. Ron Zaidman, Five Branches Institute, CEO, asked the Board for clarification in regards to AB 1943 that students entering an internship on or before 2004. The Board responded the implementation date for AB 1943 is 2005. Gary Arsham requested clarification on AB 1943’s language, reading; entering the program “on or before?” Brian Fennen responded that this was been amended and now reads “on or after.”

**10. Education Business - (Discussion/Action)**

**a. Five Branches Institute China Externship Program Report**

Ms. Zhong-Fong asked the students that attended the Five Branches Institute China externship programs to give a brief report. Juna Chow, the Academic Dean and students reported that it was a positive experience. The students agreed they would recommend the program and agreed China had better integration eastern/western training than they had received in the States.

**b. Evaluation of Continuing Education Process**

Ms. Zhong-Fong reported on the focus group recommendations to improve the evaluation of continuing education process. Ms. Nielsen indicated staff will continue with current process per the Board’s directive and asked the Board what specifics they want staff to focus on. Mr. Moffet recommended a continuing medical education course be available for renewal credit. The Board voiced concerns wanting clarification

of the new section in SB 1951, Section 4934.2 (b). Ms. Nielsen indicated she would contact Kristen Triepke and report back to the Board.

**Public Comment:** Neal Miller, L.Ac., stated that he thought Kristen Triepke intended for the expectation for continuing education of the Little Hoover Commission.

**c. School Applications and Pending Site Visits**

**1. Pacific College of Oriental Medicine, Chicago Campus**

Ms. Nielsen reported a site visit is scheduled on the PCOM Chicago campus in October 2002. Lloyd Wright, L.Ac., will be joining her as the licensed member of the site visit team. The college will come before the Board at the November 2002 Board meeting for consideration and approval.

**2. Seattle Institute of Oriental Medicine, Seattle, Washington**

Ms. Nielsen reported the site visit on the Seattle Institute of Oriental Medicine in Seattle, Washington, is scheduled for January 2003.

**3. New England School of Acupuncture, Watertown, MA**

Ms. Nielsen reported the site visit on the New England School of Acupuncture in Watertown, Maine, is scheduled for April 2003.

**4. Nobel University, Los Angeles, CA**

Ms. Nielsen reported the application for Nobel University in Los Angeles, was just received in August 2002 and a date for the review is pending.

**d. Closure of Northwest Institute of Acupuncture & Oriental Medicine**

Ms. Nielsen reported Northwest Institute of Acupuncture and Oriental Medicine of Seattle, Washington closed in July 2002. NIAOM students who were in their first or second year of training can transfer to another acupuncture school of their choice. A teach-out program was agreed upon for the students in their final year of studies. The terms of the teach-out allow NIAOM students to complete their education at Bastyr University of Kenmore, Washington, which was approved by the California Board in July 1996. ACAOM has agreed to preserve NIAOM's accreditation status solely for the purpose of allowing the teach-out students to remain eligible for federal financial aid and licensure, therefore, students participating in the teach-out will be awarded either NIAOM's degree upon completion. NIAOM's corporate status will transpire once all teach-out students receive their degree. The Board has requested a copy of the approved teach-out agreement and list of NIAOM students accepted into the teach-out.

**e. Competencies Task Force Committee Report - Proposal to Amend CCR Section 1399.436 Educational Curriculum Hour Requirements**

Ms. Nielsen reminded the Board that they accepted the Competencies Task Force recommendations on May 13, 2002 and adopted them on June 25, 2002. The competencies defined in the recommendation are being compared to the tasks, skills and knowledge defined in the 2001 Occupational Analysis by an independent group of practitioners, when completion will be forwarded to the Department of Consumer Affairs Office of Examination Resources for final evaluation. This process will ensure all competencies are adequately identified prior to the commencement of a regulatory package.

**11. Public Comment Period:**

Brian Fennen, L.Ac., CAOMA, stated that copies he had distributed to the Board members were authored by CAOMA.

**12. Adjournment**

The Acupuncture Board meeting adjourned at approximately 3:00 p.m.